CITY OF SAN DIEGO'S CERTIFICATE OF COMPLIANCE WITH TEMPORARY RESTRAINING ORDER

Document 20 Filed 06/06/2008

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Case 3:08-cv-00926-H-WMC

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I. INTRODUCTION

On May 27, 2008, Plaintiff Blackwater Lodge and Training Center, Inc. dba Blackwater Worldwide ("Blackwater") filed an ex parte application for a temporary restraining order ("TRO") and order to show cause regarding a preliminary injunction. On May 30, 2008, the Court held a hearing on Blackwater's TRO, and on June 4, 2008, the Court issued its ruling, granting Blackwater's request for a TRO. Specifically, the Court issued an order enjoining the City of San Diego ("City") and other named defendants, from refusing to issue a Certificate of Occupancy ("CO") for portions of a building located at 7685 Simpre Viva Road, San Diego, California (the "Building") for which building permits had already been processed by the City and from refusing to allow Blackwater to occupy those portions of the Building. The Court further ordered the City to process any and all pending permits for the Building. Blackwater was ordered to provide security in the amount of ten thousand dollars (\$10,000). (TRO 11:18-25.)

II.

THE CITY HAS COMPLIED WITH THE COURT'S ORDER

As fully set forth in the declaration of Afsaneh Ahmadi, Deputy Director of the City's Building Construction and Safety Division of the Development Services Department ("DSD""), and Chief Building Official (filed concurrently herewith), on June 5, 2008, the City issued a CO for the Shooting Range ("Shooting Range")¹ and a CO for use of other potions of the Building as ordered by the Court. ² Pursuant to City protocols, the above noted CO's were issued to the owner of the Building, Safchild Investment, LLC, and to the Building occupants/tenants, Blackwater Lodge and Training Center, and Mr. Brian Bonfiglio, Vice President of Blackwater Worldwide. Notice of issuance of the CO's was sent by registered mail to the Building owner and to Blackwater. (See declaration of Ahmadi).

¹ Consistent with City Building Permit/Approval No. 529104 for use of 5,060 square feet of the Building to be used for the Shooting Range.

² Consistent with City Building Permit/Approval No. 483606 for occupancy and use of 620 square feet of tenant improved area of the Building.

1	III.			
2	<u>CERTIFICATION</u>			
3	Whereby, the City herein certifies that all defendants to this action have complied with the			
4	Court's TRO issued on June 4, 2008.			
5				
6	Dated: June 6, 2008 MICHAEL J. AGUIRRE, City Attorney			
7	By WWWW. WOCK CARMEN BROCK			
8	Deputy City Attorney			
9	Deputy City Attorney Attorneys for Defendants Kelly Broughton, Development Services Department of the City of San Diego, Afsaneh Ahmadi, and The City of San Diego			
10	The City of San Diego			
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Constitution of the Consti							
1	MICHAEL J. AGUIRRE, City Attorney	1000 (2.1.) (2.1.)					
nteiphileann Cal	DONALD McGRATH, (SBN 44139) Executive Assistant City Attorney	EXEMPT FROM FILING FEES PURSUANT TO CA GOV'T CODE \$ 6183					
3	CARMEN A. BROCK, (SNB 162592)						
1	Deputy City Attorney	•					
4	GEORGE F. SCHAEFER, (SBN 139399) Deputy City Attorney						
\$	ROBERT J. WALTERS, (SBN 140741)						
6	Deputy City Attorney						
7	Office of the City Attorney						
	1200 Third Avenue, Suite 1100						
8	San Diego, California 92101-4100 Telephone: (619) 236-6220						
9	Facsimile: (619) 236-6018						
10	Attorneys for Defendants Kelly Broughton, Development Services Department						
11	of the City of San Diego, Afsanch Ahmadi and Th	ne City of San Diego					
12	UNITED STATES DISTRICT COURT						
13	SOUTHERN DISTRICT OF CALIFORNIA						
14	BLACKWATER LODGE AND)	Case No. 08 CV 0926 H (WMC)					
15	TRAINING CENTER, INC., a Delaware) Corporation dba BLACKWATER)						
16	WORLDWIDE,						
17	Plaintiff,	DECLARATION OF AFSANEH ADHMADI IN SUPPORT OF					
		CERTIFICATE OF COMPLIANCE					
18	V:						
19	KELLY BROUGHTON, in his capacity as Director the Development Services Department						
20	of the City of San Diego; THE	Date: Time:					
21	DEVELOPMENT SERVICES DEPARTMENT OF THE CITY OF SAN DIEGO, an agency of	Courtroom: 13					
22	the City of San Diego; AFSANEH AHMADL, in her capacity as the Chief Building Official for	Judge: Hon. Marilyn L. Huff					
23	the City of San Diego; THE CITY OF SAN DIEGO, a municipal entity; and DOES 1-20,						
	inclusive,						
24	Defendants.						
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26	Association of the Control of the Co						
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	DECLARATION OF AFSANEH AHMADI IN SUPPORT OF CERTIFICATE OF COMPLIANCE						

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I, Afsanch Ahmadi, declare as follow:

- I am the Deputy Director of the Building Construction and Safety Division of the City of San Diego's ("City") Development Services Department ("DSD""). I also serve as the City's Chief Building Official. I have personal knowledge of the facts set forth in this declaration and could and would testify competently to those facts if called as a witness to do so.
- On June 5, 2008, I caused to be issued a Certificate of Occupancy for 7685 Siempre Viva Road Building #6 (the "Building"), Building Permit/Approval No. 529104, for occupancy and use of 5,060 square feet of the Building as a Training and Shooting Range ("Shooting Range"). A true and correct copy of the Certificate of Occupancy for the Shooting Range is attached hereto as Exhibit "A."
- Additionally, on June 5, 2008, I caused to be issued a Certificate of Occupancy for the Building, Building Permit/Approval No. 483606, for occupancy and use of 620 square feet of tenant improved area of the Building. A true and correct copy of the Certificate of Occupancy for the improved area of the Building is attached hereto as Exhibit "B."
- Pursuant to City protocols, the above noted Certificates of Occupancy were issued to the owner of the Building, Safchild Investment, LLC, and to the Building occupants/tenants. Blackwater Lodge and Training Center, and Mr. Brian Bonfiglio, Vice President of Blackwater Worldwide. A true and correct copy of the accompanying letter send by me to the Building owner and occupants/tenants is attached hereto as Exhibit "C," A true and correct copy of the certified mail receipts for the mailings to the respective above mentioned parties is attached hereto as Exhibit "D.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 6th day of June, 2008.

Manche Office di Isanch Ahmadi, declarant

EXHIBIT "A"

Afsaneh Ahmadi, Chief Building Official DEVELOPMENT SERVICES DEPARTMENT

State Building Regulations for the occupancies listed

THE CITY OF SAN DIEGO

Certificate of Occupancy

ADDRESS:

RD BLDG #6 SIEMPRE VIVA 7685 This certifies that, so far as ascertained by or made known to the undersigned, the building at the above address complies with the Municipal Code and applicable Requirements of the

Date Issued:

529104 6-5-08 Building Permit/Approval

V-N-SPR

Occupancy

Building Description

SHOOTING RANGE B TRAINING

5060 SF

SAFCHILD INVESTMENTS LLC

Owner:

1875 CENTURY PARK E #1040 LOS ANGELES CA 90067

the Development Services Department.

NOTE: Any change of use of occupancy must be approved by

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This information is available in alternative formats upon request

DS-2 (Rev. 2/05)

POST IN CONSPICUOUS PLACE

Afsaneh Ahmadi, Chief Building Official DEVELOPMENT SERVICES DEPARTMENT

the undersigned, the building at the above address complies with the Municipal Code and applicable Requirements of the This certifies that, so far as ascertained by or made known to

State Building Regulations for the occupancies listed.

THE CITY OF SAN DIEGO

Certificate of Occupancy

ADDRESS:

7685 SIEMPRE VIVA RD BLDG

9 #

Date Issued:

Building Permit/Approval: Building Description:

V-N-SPR 483606

6-5-08

Tenant Improvement SF B (620

Occupancy

Owner:

1875 CENTURY PARK E #1040 SAFCHILD INVESTMENTS LLC

LOS ANGELES CA 90067

NOTE: Any change of use of occupancy must be approved by

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the Development Services Department.

DS-2 (Rev. 2/05)

This information is available in alternative formats upon request

POST IN CONSPICUOUS PLACE



THE CITY OF SAN DIEGO

June 6, 2008

SAFCHILD INVESTMENT LLC 1875 Century Park E #1040 Los Angeles Ca 90067

Subject: 7685 Siempre Viva Road, Raven Development Group

Attached, please find Certificate of Occupancy for approval numbers 483606 and 529104.

Sincerely,

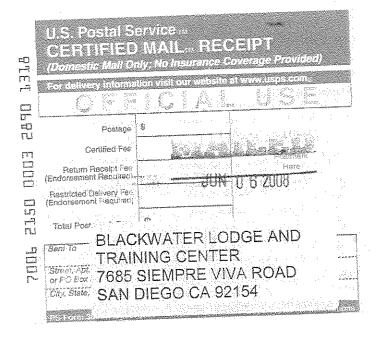
Afsaneh Ahmadi

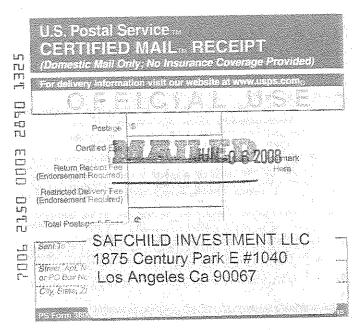
Chief Building Official

Cc: Blackwater Lodge and Training Center

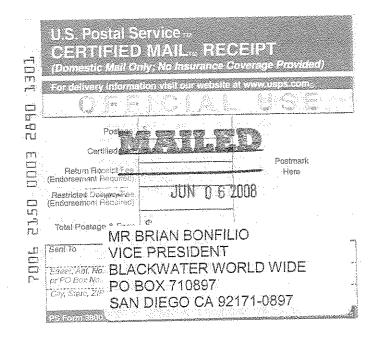


Division of Building and Safety • Development Services
1222 First Avenue, MS 401 • Son Diego, (A 92181-4154
Tel (619) 446-5406





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UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

4 BLACKWATER LODGE AND TRAINING CENTER, INC., a Delaware

Corporation dba BLACKWATER WORLDWIDE,

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Plaintiff,

 \mathbf{v} .

KELLY BROUGHTON, in his capacity as Director the Development Services Department of the City of San Diego; THE DÉVELOPMENT SERVICES DEPARTMENT OF THE CITY OF SAN DIEGO, an agency of the City of San Diego; AFSANEH AHMADI, in her capacity as the Chief Building Official for the City of San Diego; THE ČITY OF SAN DIEĞO, a municipal entity; and DOES 1-20, inclusive,

Defendants.

Case No.: 08cv0926 H (WMC)

DECLARATION OF SERVICE

I, the undersigned, declare under penalty of perjury that I am over the age of eighteen years and not a party to this action; and that I served the individuals on the service list attached hereto the following documents:

CITY OF SAN DIEGO'S NOTICE OF COMPLIANCE WITH THE COURT'S TEMPORARY RESTRAINING ORDER

DECLARATION OF AFSANEH ADHMADI IN SUPPORT OF THE CERTIFICATE OF COMPLIANCE

in the following manner:

- 1)__ By personally serving the individual named by personally delivering the copies to the offices of the addressee. Time of delivery: a.m./p.m.
- 2) ___ By leaving, during usual office hours, copies in the office of the person served with the person who apparently was in charge and thereafter mailing copies (first class mail, postage prepaid) to the person served at the place where the copies were left.

	Case 3:08-cv-00926-H-WMC	Document 20-3	Filed 06/06/2008	Page 2 of 2
1	John Nadolenco,	Esq.	jnadolenco@m	ayerbrown.com
2	Christopher Murphy, Esq.		cmurphy@mayerbrown.com	
3	Michael I. Neil,	Esq.	mneil@neildyn	nott.com
4			·	
5	Executed:	, 2008 at San D	iego, California.	
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